UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS PRICING MDL 2724 ANTITRUST LITIGATION 16-MD-2724 THIS DOCUMENT RELATES TO: Humana Inc. v. Actavis Elizabeth, LLC, et al. 18-cv-3299 Marion Diagnostic Center, LLC, et al. v. McKesson Corp., : 18-cv-4137 et al. In re: State Attorneys General Litigation 17-cv-3768 Ahold USA Inc., et al. v. Actavis Holdco U.S., Inc., et al. 18-cv-2641 The Kroger Co., et al. v. Actavis Holdco U.S., Inc., et al., 18-cv-284 West Val Pharmacy, et al. v. Actavis Holdco U.S., Inc., 18-cv-2533 et al. 1199SEIU National Benefit Fund, et al. v. Actavis Holdco: 18-cv-2401 U.S., Inc., et al.

[PROPOSED] ORDER

AND NOW, this ____ day of ______ 2019, upon consideration of Defendant

Glenmark Pharmaceutical Inc., USA's ("Glenmark") Individual Motion to Dismiss Plaintiffs'

Sherman Act Claims in the Multi-Drug Complaints¹ pursuant to Federal Rule of Civil Procedure

¹ The Multi-Drug Complaints are: Direct Purchaser Plaintiffs' Amended Class Action Compl., No. 18-cv-2641, Dkt. No. 12 ("DPP ACAC"); End Payer Class Action Compl., No. 18-cv-2401, Dkt. No. 2 ("EPP CAC"); Indirect Reseller Plaintiffs' Amended Class Action Compl., No. 18-cv-2533, Dkt. No. 4 ("IRP ACAC"); The Kroger Plaintiffs' Amended Compl., No. 18-cv-284, Dkt. No. 36 ("Kroger AC"); The Marion Plaintiffs' First Amended Compl., No. 18-cv-4137, Dkt. No. 23 ("Marion AC"); Humana, Inc's Amended Compl., No. 18-cv-3299, Dkt. No. 30 ("Humana AC"); and Plaintiff States' Consolidated Amended Compl., No. 17-cv-3768, Dkt. No. 15 ("States' CAC").

12(b)(6), and any responses thereto, it is **ORDERED** that Glenmark's Motion to Dismiss is

GRANTED and the following claims are **DISMISSED WITH PREJUDICE** as to Glenmark:

- DPP ACAC, Count 1 (overarching Sherman Act, Sections 1 and 3 claim);
- EPP CAC, Count 1 (overarching Sherman Act, Sections 1 and 3 claim);
- IRP ACAC, Count 1 (overarching Sherman Act, Sections 1 and 3 claim);
- Kroger AC, Count 1 (overarching Sherman Act, Section 1 claim);
- Kroger AC, Count 15 (individual Sherman Act, Section 1 claim (Fosinopril-HCTZ));
- Kroger AC, Count 27 (individual Sherman Act, Section 1 claim (Pravastatin));
- Marion AC, Count 1 (overarching Sherman Act, Section 1 claim);
- Humana AC, Count 106 (overarching Sherman Act, Section 1 claim);
- Humana AC, Count 110 (overarching Clayton Act, Section 16 claim for violations of Sherman Act, Sections 1 and 2); and
- States' CAC, Counts 1-5, 7-18 (overarching Sherman Act, Section 1 claims (Nimodipine, Zoledronic Acid, Meprobamate, Doxycycline DR, Doxycycline Mono, Acetazolamide, Fosinopril-HCTZ, Glipizide-Metformin, Glyburide, Glyburide-Metformin, Leflunomide, Nystatin, Paromomycin, Theophylline, and Verapamil)).

CYNTHIA M. RUFE			
CVNTHIA M DIJEE			

BY THE COURT: